

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROWLAND MARCUS ANDRADE,

Defendant.

Case No. 20-cr-00249-RS (LB)

DISCOVERY ORDER

Re: ECF No. 215

This order addresses the dispute in ECF No. 215. The court held a hearing on November 2, 2023. The dispute is about whether the government has produced an image of Alexander Levin's phone.¹ The court previously ordered its production.² The government now says that it cannot produce information that is outside the scope of the search warrant.³ It previously offered to produce an image subject to an AEO designation.⁴ These positions seem inconsistent. In any event, the government did not raise these objections previously, arguing only that the information was not relevant. Citing the full legal standards under *Brady v. Maryland*, 373 U.S. 83, 87 (1983),

¹ Mot. – ECF No. 215 at 2. Citations refer to the Electronic Case File (ECF); pinpoint citations are to the ECF-generated page numbers at the top of documents.

² Order – ECF No. 165 at 11.

³ Opp'n – ECF No. 220 at 4.

⁴ *Id.* at 3.

1 and its progeny, and Federal Rule of Criminal Procedure 16(a)(1)(E), the court ordered the
2 government to produce an image of the phone.⁵ The court does not repeat the standards: instead it
3 incorporates its earlier order fully by this reference.⁶

4 The court orders the following. First, within fourteen days, the government must produce any
5 information that it seized from the Levin phone that was identified in the search warrant. The
6 government said it has done so already.⁷ If so, it need not reproduce any previously produced
7 information. Second, by November 9, 2023, the government must update the court with its
8 position about returning an image of the phone to Mr. Levin. If it does, then Mr. Andrade can then
9 subpoena information from the phone. Mr. Levin is free to resist that subpoena.

10 **IT IS SO ORDERED.**

11 Dated: November 5, 2023



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13 LAUREL BEELER
14 United States Magistrate Judges
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27 ⁵ *Id.* at 4.

28 ⁶ Order – ECF No. 165.

⁷ Opp’n – ECF No. 220 at 4.